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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/266,269	03/11/1999	YOSHIHIRO HONMA	35.G2354	5569

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/266,269	Applicant(s) HONMA, YOSHIHIRO	
	Examiner Yogesh K. Aggarwal	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/23/2005 has been entered.

Response to Arguments

2. Applicant's arguments filed 03/23/2005 have been fully considered but they are not persuasive.

Examiner's response:

3. Applicant argues w.r.t claims 32, one feature of Applicant's invention as recited in Claim 32 is that in an image processing apparatus, the display of an image on a displaying unit and the output to an outputting unit are simultaneous. The Examiner respectfully disagrees. Regarding the newly added limitation of displaying the superimposed second and third images at the same time or simultaneously, it is noted that figure 2 of prior art discloses outputting to the LCD and TV monitor in parallel, therefore they are displayed at the same time.

4. Applicant argues w.r.t claims 32, one feature of Applicant's invention as recited in Claim 32 is that the rotations of the first image and the second image are in opposite directions. Thus, Applicant's invention allows an image and text to be correctly displayed simultaneously on a display unit and an outputting unit at any time. This feature of Applicant's invention is accomplished, in part, due to the simultaneous display and opposite rotation directions of the first and second images. None of the cited documents discloses or suggests at least the foregoing

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features of Applicant's invention. The Examiner respectfully disagrees. Masimo et al. teaches rotating the functional message data (text, first image data) in an opposite direction corresponding to the direction of third image without rotating the third (image) data (col. 2 lines 6-50, col. 3 lines 29-51, figures 2C-2F) in order to view the text clearly in an uprightly fashion. The text will move in an anticlockwise or clockwise direction depending if the screen is moved in a clockwise or anticlockwise direction.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US Patent # 6,262,769), Applicant's admitted prior art and in further view of Masimo et al. (US Patent # 5,189,404).

[Claim 32]

Anderson teaches an image processing apparatus (digital camera 110) comprising: an image capture unit (imaging device 114) (Fig. 3), a memory (DRAM 346) adapted to store a first image (image data) captured by said image capture unit, and a display unit (LCD 402) adapted to display the first image (image data) (col. 4, lines 8-11). Anderson teaches that a second image (text) is displayed on the LCD screen (col. 7, lines 52-55, col. 8, lines 16-36). The superimposing unit and the display of the second image superimposed on the first image are inherently taught. Anderson teaches the determination of the camera orientation, and that the second image (text)

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may be rotated as well as the first image (image data) in a first direction so that the user can view the first and second images (image and text) in the same orientation, which reads on an apparatus that rotates the second image in a first direction according to a position of said image capture unit, superimposes the rotated second image on the first image, and displays the first image, on which the rotated second image is superimposed (col. 7, lines 63-64, col. 8, lines 39- 42).

Anderson does not teach an outputting unit to output the first image on which a third image is superimposed is outputted at the same time. The admitted prior art teaches that an image (image data) with a superimposed third image (text) is outputted to a TV monitor (page 5, line 22-page 6, line 8, Fig. 6D). The outputting unit is inherently taught. Regarding the newly added limitation of displaying the superimposed second and third images at the same time, it is noted that figure 2 of prior art discloses outputting to the LCD and TV monitor in parallel, therefore they are displayed at the same time.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the outputting of a third image superimposed upon a first image taught by the admitted prior art in the image processing apparatus taught by Anderson to make an image processing apparatus that reads out second and third images, rotates the second image, superimposes the second and third images upon a first image, displays the first image with the second image superimposed thereupon, and outputs the first image with the third image superimposed thereupon at the same time. One of ordinary skill would have been motivated to make such a modification to enable an image to be outputted to multiple channels in an orientation appropriate to the display or outputted channel.

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Anderson in view of admitted prior art does not teach rotating the first image in a direction opposite to the first direction without rotating the third image and outputs the rotated first image, on which the third image is superimposed without rotation, from said outputting unit. However Masimo et al. teaches rotating the functional message data (text, first image data) in an opposite direction corresponding to the direction of third image without rotating the third (image) data (col. 2 lines 6-50, col. 3 lines 29-51, figures 2C-2F) in order to view the text clearly in an uprightly fashion. The text will move in an anticlockwise or clockwise direction depending if the screen is moved in a clockwise or anticlockwise direction. Therefore taking the combined teachings of Anderson, admitted prior art and Masimo et al., it would have been obvious to one skilled in the art to have been motivated at the time of the invention to rotate the first image data (text) in a direction opposite to the first direction without rotating the third image and outputs the rotated first image, on which the third image is superimposed without rotation, from said outputting unit. The benefit of doing so would be to have a picture of easy visibility to the user by displaying the functional message information (text) in the correct direction thus improving the operational capability as taught in Masimo (col. 2 lines 46-50).

[Claim 33]

Applicant's admitted prior art shows that the second and third images are the same (see figure 2).

[Claims 36 and 37]

These are method claims corresponding to apparatus claims 32 and 33. Because the apparatuses of claims 32 and 33 are taught, the methods corresponding to the apparatuses are also taught.

[Claim 34]

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Anderson teaches a digital camera 110 comprising: an image capture unit (imaging device 114) (Fig. 3), a memory (DRAM 346) adapted to store a first image (image data) captured by said image capture unit, and a display unit (LCD 402) adapted to display the first image (image data) (col. 4, lines 8-11). Anderson teaches that a second image (text) is displayed on the LCD screen (col. 7, lines 52-55, col. 8, lines 16-36). The superimposing unit and the display of the second image superimposed on the first image are inherently taught. Anderson teaches the determination of the camera orientation, and that the second image (text) may be rotated as well as the first image (image data) so that the user can view the first and second images (image and text) in the same orientation, which reads on an apparatus that rotates the second image in a first direction according to a position of said image capture unit, superimposes the rotated second image on the first image, and displays the first image, on which the rotated second image is superimposed (col. 7, lines 63-64, col. 8, lines 39-42).

Anderson does not teach an outputting unit to output the first image on which a third image is superimposed is outputted at the same time. The admitted prior art teaches that an image (image data) with a superimposed third image (text) is outputted to a TV monitor (page 5, line 22-page 6, line 8, Fig. 6D). The outputting unit is inherently taught. Regarding the newly added limitation of displaying the superimposed second and third images at the same time, it is noted that figure 2 of prior art discloses outputting to the LCD and TV monitor in parallel, therefore they are displayed at the same time.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the outputting of a third image superimposed upon a first image taught by the admitted prior art in the image processing apparatus taught by Anderson to

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make an image processing apparatus that reads out second and third images, rotates the second image, superimposes the second and third images upon a first image, displays the first image with the second image superimposed thereupon, and outputs the first image with the third image superimposed thereupon. One of ordinary skill would have been motivated to make such a modification to enable an image to be outputted to multiple channels in an orientation appropriate to the display or outputted channel.

Anderson in view of admitted prior art does not teach rotating the first image in a direction opposite to the first direction without rotating the third image and outputs the rotated first image, on which the third image is superimposed without rotation, from said outputting unit. However Masimo et al. teaches rotating the functional message data (text, first image data) in an opposite direction corresponding to the direction of third image without rotating the third (image) data (col. 2 lines 6-50, col. 3 lines 29-51, figures 2C-2F) in order to view the text clearly in an uprightly fashion. The text will move in an anticlockwise or clockwise direction depending if the screen is moved in a clockwise or anticlockwise direction. Therefore taking the combined teachings of Anderson, admitted prior art and Masimo et al., it would have been obvious to one skilled in the art to have been motivated at the time of the invention to rotate the first image data (text) in a direction opposite to the first direction without rotating the third image and outputs the rotated first image, on which the third image is superimposed without rotation, from said outputting unit. The benefit of doing so would be to have a picture of easy visibility to the user by displaying the functional message information (text) in the correct direction thus improving the operational capability as taught in Masimo (col. 2 lines 46-50).

[Claim 35]

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Applicant's admitted prior art shows that the second and third images are the same (see figure 2).

[Claims 38 and 39]

Regarding claims 38 and 39, because the apparatuses of claims 34 and 35 are taught, the methods corresponding to the apparatuses are also taught.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360.

The examiner can normally be reached on M-F 9:00AM-5:30PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
June 20, 2005


DAVID L. OMETZ
PRIMARY EXAMINER